

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

MISCELLANEOUS AMENDMENTS

The amendments set out below have resulted from the approval of the act of July 2, 1953 (Public Law 102, 83d Congress) which amended the Annual and Sick Leave Act of 1951 and the act of December 21, 1944. They are effective July 2, 1953, the date of the statute.

1. Paragraphs (a) and (d) are amended, and paragraph (h) is added to § 30.101 as follows:

§ 30.101 *Definitions.* (a) "Act" as used in this part means the Annual and Sick Leave Act of 1951, as amended (Title II, Public Law 233, 82d Congress, approved October 30, 1951, 65 Stat. 679, as amended by Public Law 102, 83d Congress, approved July 2, 1953)

(d) "Accumulated annual leave" means the unused annual leave remaining to the credit of the employee at the beginning of the first complete pay period occurring in any calendar year.

(h) "Leave year" means the period from the beginning of the first complete pay period in the calendar year to the beginning of the first complete pay period in the following calendar year. However, the 1953 leave year began immediately following the last complete pay period in 1952.

2. Section 30.301 is amended to read as follows:

§ 30.301 *Overdrawn annual leave.* Whenever, at the end of the leave year, reductions in annual leave accruals under § 30.204 result in a final debit in the annual leave account, the excess amount may be carried forward for charge against leave earned in the following leave year, or, in the discretion of the employing agency, the employee may be required to refund the amount paid him for the period of such excess. This regulation may be applied to debits at the end of the 1952 leave year.

3. Section 30.502 is amended to read as follows:

§ 30.502 *Accumulated annual leave.* Part-time employees may accumulate not more than 240 hours' or 360 hours' annual leave on the same basis that full-time employees accumulate 30 or 45 days' annual leave.

4. Section 30.701 is amended to read as follows:

§ 30.701 *Annual leave.* (a) When an employee is separated from a position under this act and reemployed in another position under the act, without a break in service, his annual leave account shall be certified to the employing agency for credit or charge.

(b) When annual leave is transferred between different leave systems under section 205 (e) of the act, or is recredited under a different leave system as result of a refund under section 1 of the act of December 21, 1944, as amended, 7 calendar days of leave shall be considered equal to 5 work days.

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his annual leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(d) When an employee transfers to a position (other than a position excepted from the act under section 202 (b) (1) (B) (C) or (H), to which he cannot transfer his annual leave because the position is not under an annual leave system, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

5. Section 30.702 is amended to read as follows:

§ 30.702 *Sick leave recredit.* (a) Upon reemployment of an employee subject to this act who was separated on or after January 6, 1952, without a break in service, or a break of not more than 52 continuous calendar weeks, the employee's sick leave account shall be certified to the employing agency for credit or charge to his account.

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(b) When sick leave is transferred between different leave systems under section 205 (e) of the act, 7 calendar days of leave shall be considered equal to 5 work days.

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his sick leave, the untransferred leave shall be reccredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(d) When an employee transfers to a position to which he cannot transfer his sick leave, the untransferred leave shall be reccredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-8209; Filed, Sept. 23, 1953; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs
[Amdt. 1]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART B—RAISIN EXPORT PAYMENT PROGRAM UMX 95a

DEFINITIONS

Section 518.432 (d) is hereby amended to read as follows:

(d) "Exporter" means: (1) Any individual, corporation, partnership, association, or any other business entity, located in the Continental United States and engaged in the business of selling and exporting raisins produced, processed, and packed in the Continental United States; (2) the Raisin Administrative Committee which administers Marketing Agreement No. 109 and Order No. 89 (7 CFR Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California; and (3) the Commodity Credit Corporation.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 18th day of September 1953.

[SEAL] S. R. SMITH,
Representative of the
Secretary of Agriculture.

[F. R. Doc. 53-8211; Filed, Sept. 23, 1953;
8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 6]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DIS- EASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637) § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema.

The State of California;
The Town of Manchester in Hartford County,
in Connecticut;

That area beginning at the intersection of old Middleburg Road and 103d Street, thence northwest on 103d Street to Chaffee Road, thence north on Chaffee Road to State Highway No. 228, thence southeast on State Highway No. 228 to Herlong Road, thence south on Herlong Road to Old Middleburg Road, thence on Old Middleburg Road to 103d Street intersection, and that area beginning at the intersection of Moncrief Road and Ribault Scenic Drive, thence east on Ribault Scenic Drive to Avenue B, thence south on Avenue B to Moncrief Road, thence northwest on Moncrief Road to Ribault Scenic Drive, in Duval County, in Florida;

Hall, White and Whitfield Counties, in Georgia;

Androscoggin, Cumberland, Kennebec, Somerset, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol, and Plymouth Counties, in Massachusetts; Bergen, Hudson, Hunterdon and Morris Counties, that area consisting of Union, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, and Atlantic Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, and that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York; Bucks and Delaware Counties, in Pennsylvania;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173, that area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as areas in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

That area beginning at the intersection of Old Middleburg Road and 103d Street, thence northwest on 103d Street to Chaffee Road, thence north on Chaffee Road to State Highway No. 228, thence southeast on State Highway No. 223 to Herlong Road, thence south on Herlong Road to Old Middleburg Road, thence on Old Middleburg Road to 103d Street intersection, and that area beginning at the intersection of Moncrief Road and Ribault Scenic Drive, thence east on Ribault Scenic Drive to Avenue B, thence south on Avenue B to Moncrief Road, thence northwest on Moncrief Road to Ribault Scenic Drive, in Duval County, in Florida; Hall, White and Whitfield Counties, in Georgia.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636 et seq.), apply to these areas.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

That area beginning at the intersection of U. S. Highway No. 301 and the Bloomingdale Road, thence east on the Bloomingdale Road to Bloomingdale, thence southeast on the Lithia Road to Lithia, thence south three miles to the southeast corner of Section 33, Township 30 south and Range 21 east, thence one mile west to Boyette, thence southwest to Balm, thence west to U. S. Highway No. 301, thence north on U. S. Highway No. 301 to point of beginning, in Hillsborough County, in Florida;

That area in Dallas County lying south of State Highway No. 183 and west of the city of Dallas and U. S. Highway No. 67, in Texas.

The Administrator of the Agricultural Research Administration has determined that swine in these areas are no longer affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, these areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636 et seq.) no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets, or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C. this 18th day of September 1953.

[SEAL] M. R. CLARESON,
Acting Administrator Agricultural Research Administration.

[F. R. Doc. 53-8186; Filed, Sept. 23, 1953;
8:47 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 5—PROCUREMENT POLICY

EQUAL LOW BIDS

Title 10, Chapter I, Part 5, Code of Federal Regulations, entitled "Procurement Policy" is hereby amended in the following respects, effective October 1, 1953:

Section 5.69 (a) (4) now reading:

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

is changed to read:

(4) When two or more equal low bids have been received, and from a business

concern other than a small business concern located in a distressed employment area, and the other from a bidder who is a small business concern not located in a distressed employment area, award shall be made to the latter.

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

Dated at Washington, D. C., this 18th day of September 1953.

M. W. BOYER,
General Manager

[F. R. Doc. 53-8119; Filed, Sept. 23, 1953;
8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.194]

PART 53—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES IN WARTIME

EXCEPTIONS TO LIMITATIONS ON TRAVEL

Pursuant to the provisions of section 215 of the Immigration and Nationality Act (66 Stat. 190) and section 1 of Proclamation 3004 (18 F. R. 489) paragraphs (b) and (c) of § 53.2, Title 22 of the Code of Federal Regulations is hereby amended to read as follows:

§ 53.2 *Exceptions to regulations in § 53.1.* * * *

(b) When traveling between the United States and any country or territory in North, Central, or South America or in any island adjacent thereto: *Provided*, That this exception shall not be applicable to any such person when traveling to or arriving from a place outside the United States via any country or territory in North, Central, or South America or in any island adjacent thereto, for which a valid passport is required under §§ 53.1 to 53.9; *And provided also*, That this section shall not be applicable to any seaman except as provided in paragraph (c) of this section; or

(c) When departing from or entering the United States in pursuit of the vocation of seaman, *Provided*, That the person is in possession of a specially validated United States merchant mariner's document issued by the United States Coast Guard; or

(Sec. 1, 40 Stat. 559, sec. 2, 55 Stat. 252; 22 U. S. C. 223, 229. Interprets or applies sec. 215, 66 Stat. 190, Proc. 3004, Jan. 17, 1953, 18 F. R. 489)

This amendment shall be effective as of the date of its publication in the FEDERAL REGISTER.

Issued: September 15, 1953.

For the Secretary of State.

SCOTT M. McLEOD,
Administrator Bureau of Security and Consular Affairs.

Approved:

DONALD B. LOURIE,
Under Secretary for Administration.

[F. R. Doc. 53-8212; Filed, Sept. 23, 1953;
8:51 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 3]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON; TERMINATION OF PROGRAM

The above captioned regulation, as corrected and amended (16 F. R. 8680, 8848, 8894, 17 F. R. 7125; 18 F. R. 2846) is hereby further amended by modifying § 99.104 *Termination of the Program*, to read as follows:

§ 99.104 *Termination of the Program.* The program shall terminate and be of no further force or effect as of the close of business on June 30, 1957 *Provided, however* That the Administrator may terminate the Program as of the date when the Government has received and accepted 200,000 tons of chrome ore and/or concentrates under the program.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 63 Stat. 289, as amended, 40 U. S. C. 486. Interprets or applies sec. 3, 60 Stat. 597, 40 U. S. C. 98b)

Dated: September 17, 1953.

EDMUND F. MANSURE,
Administrator of General Services.

[F. R. Doc. 53-8234; Filed, Sept. 22, 1953;
5:01 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-I]

DMO IX-I—REESTABLISHMENT OF TELECOMMUNICATIONS PLANNING COMMITTEE

By virtue of the authority vested in me by Executive Order 10461 of June 17, 1953, and in accordance with Executive Order 10460 dated June 16, 1953, and in order to provide immediate attention for telecommunication matters necessary to national defense, it is hereby ordered:

1. The Telecommunications Planning Committee, previously established May 15, 1952, by the then Telecommunications Advisor to the President, is hereby reestablished and shall consist of a Chairman, who shall be the Assistant Director for Telecommunications, Office of Defense Mobilization, a Commissioner of the Federal Communications Commission, who shall serve as Vice Chairman, and a representative designated by the head of each of the following departments and agencies:

Department of State.
Department of the Treasury.
Department of Defense.
Department of Commerce.

Central Intelligence Agency.
U. S. Information Agency.
Bureau of the Budget (Observer).
And such other agencies as the Director of the Office of Defense Mobilization shall hereafter designate.

2. The Telecommunications Planning Committee shall assist and advise the Director of the Office of Defense Mobilization with respect to the following telecommunication functions:

a. Developing telecommunication policies and standards applicable to the Executive Branch of the Government.
b. Assuring high standards of telecommunication management within the Executive Branch of the Government.

c. Developing telecommunication plans and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing non-governmental requirements.

d. Such other telecommunication matters upon which the Director of the Office of Defense Mobilization may require advice and assistance.

3. This order shall take effect on September 23, 1953.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director

[F. R. Doc. 53-8208; Filed, Sept. 23, 1953;
8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10618]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10618.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 53-972) of July 31, 1953 and published in the FEDERAL REGISTER on August 7, 1953 (18 F. R. 4682), proposing to assign Channel 9 to Hatfield, Indiana.

2. The time for filing comments in this proceeding expired on August 28, 1953. A comment in opposition to the proposed amendment was filed by Logansport Broadcasting Company, Logansport, Indiana.

3. In its opposition Logansport states that it filed timely pleadings in Dockets 8736 et al which requested that Channel 10 be assigned to Logansport, Indiana and Owensboro, Kentucky; that the Commission denied this request; and that there is pending before the United States Court of Appeals for the District of Columbia Circuit a Petition for Review (Case No. 11601) Logansport urges that a grant of the instant amendment would make impossible the assign-

ment of Channel 10 in Owensboro; that the party which requested the proposed amendment now holds a construction permit for Channel 14; that as a result that party cannot under the Commission's Rules apply for a station on Channel 9 and that hence the request for Channel 9 is rendered moot.

4. The argument of Logansport that the requested amendment is rendered moot because the party seeking the requested amendment is a permittee on another channel, has no merit. Assignments are made to communities and not to specific parties. Any interested party may file for a permit to build a station on this channel in the community of Hatfield including the party who now holds a construction permit on another channel, provided of course the construction permit for the other channel is surrendered. The Commission is of

the view that the proposed amendment meets the requirements of the Commission's rules and would be in the public interest, since it would provide a second competitive station in the area and would represent an efficient utilization of available television channels. In view however, of the pendency of the court appeal, it is making this assignment subject to such action as the Commission may take in the light of the final decision in that case.

5. Authority for the adoption of the proposed amendment is contained in section 4 (i) 301, 303 (c), (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regula-

tions is amended by adding to the table as follows:

City _____ Channel No. _____
Hatfield, Ind. _____ 19+.

¹This assignment is made subject to such action as the Commission may take in the light of the final decision of the courts on the Petition for Review filed by the Logansport Broadcasting Company (C. A. D. C. Case No. 11601).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended; 1024; 47 U. S. C. 301, 303, 307)

Adopted: September 18, 1953.

Released: September 18, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8193; Filed, Sept. 23, 1953;
8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 965]

[Docket No. AO-166-A17]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OP- PORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Cincinnati, Ohio, on May 18-20, 1953, pursuant to notice thereof which was issued on May 6, 1953 (18 F. R. 2716)

The material issues of record related to:

1. The classification and pricing of:
 - a. Producer milk used in the manufacture of sour (cultured) cream; and
 - b. Producer milk which is in excess of the market requirements for Class I and Class II milk (this excess milk is herein-after referred to as reserve supplies)
 2. Applicability of the order during work stoppages at plants due to labor disputes; and
 3. Powers of the market administrator.
- Findings and conclusions.** The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

Sour cream. The classification and pricing of milk used in the manufacture of sour (cultured) cream should not be changed. Such milk should continue to be classified and priced as Class II milk.

Local health regulations require that sour cream be made from milk produced and handled in full compliance with these regulations; the same quality of milk as is required for cream for fluid consumption. The only available source of milk of this quality has been from producers as defined in the Cincinnati order, except in times of milk shortages when health authorities have permitted limited amounts of other milk to be used for short periods of time for this and other fluid uses. Thus the market requirements for milk for sour cream should be regularly supplied with producer milk. Milk for this use should carry its share of the burden of maintaining milk supplies at a level sufficient to meet market requirements.

Reserve supplies. To be adequately supplied, a market must carry certain reserve supplies in addition to the actual market requirements. These reserve supplies are necessary because of day to day fluctuations in both supplies and requirements and because of variations in normal seasonal patterns of supplies and of requirements. These reserve

supplies must be disposed of in such outlets as are available. These reserve supplies of milk should be priced low enough that handlers will accept such milk and seek the available outlets for it, but high enough that supplies beyond those necessary for actual requirements and reserve supplies will not be attracted to the market. Reserve supplies should also be priced in such a manner as to provide a price incentive for such supplies to be channeled into outlets which are more desirable from the standpoint of location and seasonality and which may therefore be expected to yield somewhat higher returns. The highest prices for reserve supplies of milk consistent with the objective of assuring that handlers will accept such milk are in the public interest because such reserve supplies will be making their optimum contribution toward the maintenance of an adequate supply of milk for the market.

No change should be made in the classification and pricing of Class III and Class IV milk except that the basis for classifying milk transferred to a non-pool plant during the month of August should be made the same as during April, May, June, and July.

Proposals considered at the hearing would reduce the level of Class III and Class IV prices, change the classification of milk used in the manufacture of cheddar cheese from Class III to Class IV, change the classification of milk used in the manufacture of ice cream from Class III to Class II but establish a lower price for milk used in ice cream sold outside of the marketing area, eliminate the Class IV classification by including milk used in the manufacture of butter in Class III and change the basis of classification of milk transferred to nonpool plants.

In considering the proposal to change the classification of milk used for ice cream from Class III to Class II, the question arises of whether milk used for ice cream, particularly for ice cream sold

in the marketing area, should be considered as regular market requirements for milk or as an outlet for reserve supplies. The basis for this question lies in what the local health regulations and their enforcement require with respect to the quality of milk for use in ice cream. Conflicting evidence was submitted on this point. Sufficient basis cannot be found in the record for changing the classification of milk used for ice cream, and ice cream should continue to be considered as an outlet for reserve supplies of milk and classified as Class III milk.

In considering whether reserve supplies of milk are being priced in accordance with the objective set forth above of providing a price incentive for such supplies to be channelled into the more desirable outlets, it is necessary to consider which outlets are desirable.

Ice cream is a desirable outlet for reserve supplies of milk. Ice cream consumption is greatest in the months when reserve supplies are large. May, June, July and August are the months when outlets in ice cream have been largest and November, December, January and February have been the months when such outlets are smallest. This coincides almost exactly with the months when the reserve supplies are seasonally highest and lowest. In the last several years utilization of reserve supplies of milk by handlers in ice cream and ice cream mix in these four heaviest months of the year has been more than double such utilization in the four months when utilization of milk in ice cream is lowest. The utilization of reserve supplies in other products such as butter, nonfat dry milk solids, evaporated milk, and cheddar cheese also vary seasonally, but this seasonal outlet is facilitated by storage of the product rather than by a marked seasonal variation in consumption. Ice cream is also a favorable outlet because reserve supplies should have some location advantage in supplying local needs for milk for ice cream. Milk ingredients are usually incorporated into ice cream mix in the form of cream and condensed products, both of which are relatively bulky and perishable products, so reserve supplies have a greater location advantage in supplying milk for local ice cream outlets than for more concentrated and less perishable products. Reserve supplies have a similar location advantage in supplying milk for use in cottage cheese locally.

In each of the last six months the volume of reserve supplies have been at record levels for that month, however, in the last 12 months reserve supplies have been less than they were in either 1949 or 1950 after adjustments are made in recognition that cottage cheese was in Class II prior to September 1950. It is doubtful if production for the Cincinnati market and accordingly the reserve supplies will continue at the level of recent months. Reserve supplies will probably not exceed their 1950 volume in the next year or two. The period when reserve supplies were at their peak (1949 and 1950) includes the periods (June through September 1949 and

March through August 1950) when milk used in the manufacture of cheddar cheese was priced at a level comparable with the present Class IV price. There is some indication that the pricing of milk for cheese at this level may have made cheese such an attractive outlet to handlers that milk supplies in excess of market requirements and necessary reserve supplies were accumulated.

In recent years the most important outlets for reserve supplies have been cottage cheese, butter, condensed products, nonfat dry milk solids, ice cream, and nonpool plants. In each of the four most recent 12 month periods for which information is contained in the record the percentages of the butterfat contained in these reserve supplies which were used in the chief outlets were as follows:

	1949-50	1950-51	1951-52	1952-53
Ice cream.....	36	34	42	33
Nonpool plants.....	36	25	19	21
Butter.....	22	33	26	29

Similar figures for the chief outlets for skim milk are as follows:

	1949-50	1950-51	1951-52	1952-53
Nonpool plants.....	32	30	15	17
Cottage cheese.....	17	20	27	24
Condensed products.....	15	13	23	19
Ice cream.....	14	11	14	14
Nonfat dry milk solids.....	10	10	10	13

These figures indicate that ice cream has retained or slightly increased its position and cottage cheese has become more important as an outlet for reserve milk supplies. Condensed products, which are used to a considerable extent in ice cream, have also become a somewhat larger outlet. Outlets to butter were largest in 1950-51 and 1952-53 when reserve supplies were largest. Nonfat dry milk solids have been a larger outlet than usual in the last year when reserve supplies were heavy. Nonpool plants have declined substantially as an outlet for reserve milk supplies. This outlet includes milk, skim milk, or cream transferred to a nonpool plant. Such milk, skim milk and cream is used for various products including ice cream, cheddar cheese, evaporated milk, and butter. One apparent reason for the decline in the use of nonpool plants as outlets for reserve milk supplies results from the discontinuation effective September 1, 1950, of the pricing of milk for cheese at a level comparable with the present Class IV price.

The above analysis indicates that sufficient outlets have been available for reserve supplies and that the more desirable outlets have been retained or expanded. Reserve supplies do not appear to have been excessive in the last two or three years.

Proponents of a lower price for reserve supplies claimed that the present level of prices has caused them to lose substantial ice cream outlets outside of the marketing area and has priced such milk to them above its value. As was indicated above, ice cream has retained or slightly increased its position as an outlet for

reserve supplies. It is difficult to measure the value of reserve supplies of milk to handlers except in terms of handlers' apparent attitudes about obtaining or retaining milk supplies as evidenced by their actions. At the time of the hearing a number of handlers were seeking additional milk supplies. During the period May 1952 through March 1953 one handler's Class I utilization ranged from a low of 35 percent (in June) to a high of 66 percent (in November) of his total receipts of producer milk. Comparable utilization percentages for these months for the entire market were 49 and 79, respectively. Apparently the prices for reserve milk supplies have not been so high as to deter handlers from retaining milk supplies or from seeking additional supplies. The number of producers supplying the market has increased somewhat in recent months.

Proposals were suggested at the hearing which would cause the Class III and Class IV prices to change automatically as the percentage of producer milk classified in those classes change. The record does not contain sufficient evidence to indicate the extent, if any, to which these prices should change in response to changes in utilization percentages.

Proposals were considered to change the classification provisions with respect to milk transferred from a pool plant to a nonpool plant. At the present time milk so transferred is classified during April, May, June, and July upon written certification by the operators of the two plants on the basis of any use at the nonpool plant and during the remaining months of the year on the basis of the highest priced utilization at the nonpool plant. The proposals would make the April-July method of classification applicable for all months of the year. Adoption of these proposals would make it possible for nonpool plants primarily engaged in distributing milk in areas suburban to Cincinnati but not a part of the marketing area to obtain milk as a part of their regular supply from pool plants which milk could be classified on the basis of the lowest priced utilization at the nonpool plant. An important consideration in adopting the present classification provisions for such milk was to prevent this from occurring.

A suggestion was made that milk transferred to a nonpool plant be classified in the highest priced utilization remaining after regular receipts of milk from dairy farmers at such plant is first allocated to the highest priced utilizations at the plant. Evidence in the record shows that milk is transferred to several different nonpool plants each month. There would be a considerable additional administrative burden in effecting this method of classification because of the need for verifying total receipts and utilization of milk at these nonpool plants receiving milk from pool plants. The need for this method of classification does not appear to be great enough to justify this additional burden on the market administrator.

In recent years the reserve supplies of milk have been largest in April, May, June, July and August. April and August volumes have been similar, and vol-

umes in the remaining months have been notably lower. In order to bring the provisions for classifying milk transferred to a nonpool plant into better alignment with the present seasonality in the monthly volumes of reserve supplies, August should be included as a month when classification is on the same basis as during April, May, June, and July.

Work stoppages. Proposals were considered which would cause the order to be inoperative with respect to any handler whose plant is not in operation due to a work stoppage resulting from a dispute between the plant operator and a labor union. Testimony of proponents indicated that the major problems they sought to correct by this proposal result from (1) the present order provisions which do not permit handlers to divert producer milk from the farm directly to a nonpool plant, and (2) the possibility that handlers may not be able to find outlets for all of their milk which will return them as much as they are required by the order to pay producers for such milk.

A review of the present order provisions as they relate to this problem indicates that considerable flexibility now exists pursuant to the order with respect to these problems. If a handler desires to completely remove himself from price regulation with respect to part or all of his regular milk supply he could either divert such milk to a nonpool plant or leave the problem of finding an outlet for such milk to the producers of such milk, or their cooperative association. In the former event, the milk would not be producer milk because it would not be received at a pool plant or diverted by a cooperative association. In the latter event, milk for which individual producers must find an outlet would also not be producer milk for the same reasons; and milk for which the cooperative finds an outlet would not be producer milk for the same reasons unless the association wishes to retain such milk as producer milk by diverting it and becoming a handler with respect to such milk and making the reports required of handlers. If a handler desires that all or part of his milk supply continue to be producer milk he can arrange with a cooperative association for the association to divert the milk. Nothing in the order prohibits a cooperative association from diverting milk of producers who are not members of such association.

In view of this flexibility presently available in the event of a labor strike or work stoppage it is not necessary that any further provisions be included in the order for this purpose.

Powers of the market administrator. The powers described in the order for the market administrator should be expanded to authorize him to make rules and regulations to effectuate the terms and provisions of the order and to recommend to the Secretary of Agriculture amendments to the order. The Agricultural Marketing Agreement Act of 1937 specifically authorizes these powers. The need for rules and regulations may arise at some time, and provision for their issuance will permit them to be made if the need arises. At times the

market administrator in his official duties may detect certain administrative problems which should in his opinion be corrected by amendments to the order. He should be specifically authorized to recommend such amendments to the Secretary of Agriculture; however, such amendments could only be adopted after the procedures required by law and by regulations issued thereunder have been pursued.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain organizations of producers, certain handlers or groups of handlers, and certain other interested persons.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herebefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 965.21 to read as follows:

§ 965.21 **Powers.** The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

2. Amend the last proviso of § 965.43 (b) to read as follows: "And provided further That in making such verification for months other than April, May, June, July, and August, the market administrator will assign milk, skim milk, or cream so transferred to the highest use classification in the plant of the receiver."

Filed at Washington, D. C., this 18th day of September 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator

[F. R. Doc. 53-8187; Filed, Sept. 23, 1953;
8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10604]

RADIO BROADCAST SERVICES

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 3, Radio Broadcast Services, of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning standard broadcast stations; Docket No. 10604.

1. On August 3, 1953, the Commission issued a notice of proposed rule making (FCC 53-958) in the above entitled matter which specified that comments were to be filed on or before September 10, 1953. KECC, Inc., and May Broadcasting Company, have requested the time for filing comments be extended until September 25, 1953, to permit the filing of its comments which have been detained for reasons beyond their control.

2. In view of the above requests notice is hereby given that the time for filing comments in the above-entitled matter is extended to September 25, 1953. Replies to such comments may be filed on or before October 5, 1953.

Adopted: September 17, 1953.

Released: September 18, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8193; Filed, Sept. 23, 1953;
8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10619]

TELEVISION BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.636 Table of assignments, rules governing

PROPOSED RULE MAKING

television broadcast stations; Docket No. 10619.

1. On July 31, 1953, the Commission issued a notice of proposed rule making (FCC 53-973, 18 F. R. 4682) in the above-entitled matter which specified that comments were to be filed on or before August 28, 1953, and replies thereto within 10 days thereafter. Triad Television Association, Onondaga, Michigan, has requested an additional 10 days from September 8, 1953, the last day for filing replies to comments, in which to reply to comments filed. It is urged that the additional time is needed due to illness of attorney for Triad Television Association.

2. Notice is hereby given that the time for filing replies to comments filed in the above-entitled matter is extended to September 18, 1953.

Adopted: September 17, 1953.

Released: September 18, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] DEE W PINCOCK, -
Acting Secretary.

[F. R. Doc. 53-8197; Filed, Sept. 23, 1953;
8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-78]

[Notice 12; Docket 3666]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 17, 1953.

In the matter of regulations for transportation of explosives and other dangerous articles; Docket 3666.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway as published in orders pursuant to section 835, of the Criminal Code and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.2 paragraph (a) (15 F. R. 8261, Dec. 2, 1950) (49 CFR 71.2, 1950 Rev.) to read as follows:

§ 71.2 *Act of Congress.* (a) Section 834, Title 18 of the United States Code, approved June 25, 1948 (Pub. Law 772, 80th Cong.) provides that whoever knowingly delivers to any common carrier engaged in interstate or foreign commerce by land or water, or carries upon any car or vehicle operated by any common carrier engaged in interstate or foreign commerce by land, any explosive or other dangerous article specified in section 832, under any false or deceptive marking, description, invoice, shipping order or declaration, or without inform-

ing the agent of such carrier, in writing, of the true character thereof, or does not plainly mark on the outside of every package containing explosives or other dangerous articles the contents thereof, shall be fined or imprisoned, or both, as provided in this act.

PART 72—COMMODITY LIST OF EXPLO- SIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 commodity list (17 F. R. 7279, Aug. 9, 1952) (15 F. R. 8263, 8265, 8266, 8267, 8268, 8269, 8270, 8273, Dec. 2, 1950) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
<i>Change</i>				
*Carbon, activated. See *Charcoal, activated.				
Carbon monoxide.....	F. G.....	73.302, 73.308.....	Red Gas.....	150 pounds.
*Charcoal, activated.....	F. S.....	73.162.....	Yellow #.....	200 pounds.
Hexamethylene diamine solution.....	Cor. L.....	73.244, 73.249, 73.252.....	White.....	10 gallons.
Zirconium metal powder, wet or sludge.....	F. S.....	No exemption, 73.214.....	Yellow.....	150 pounds.
Zirconium metal powder or sponge, dry.....	F. S.....	No exemption, 73.215.....	do.....	75 pounds.
<i>Add</i>				
Aluminum, metallic, powdered.....	F. S.....	73.153, 73.154.....	do.....	100 pounds.
Aluminum scrap, (borings, chunks, clippings, shavings, sheets, or turnings.).....	F. S.....	73.153, 73.220.....	do.....	100 pounds.
Cigar and cigarette lighter fluid.....	F. L.....	73.118, 73.119.....	Red.....	10 gallons.
Dimethyl carbamyl chloride.....	Pois. C.....	No exemption, 73.356.....	Tear Gas.....	75 pounds.
Ethyl isocyanate.....	Pois. C.....	No exemption, 73.356.....	Tear Gas.....	75 pounds.
Hafnium metal powder or sponge, dry.....	F. S.....	No exemption, 73.215.....	Yellow.....	75 pounds.
Hafnium metal powder, wet or sludge.....	F. S.....	No exemption, 73.214.....	do.....	150 pounds.
Hydrochloric acid solution, inhibited.....	Cor. L.....	73.244, 73.263.....	White.....	10 pints.
Igniters, jet thrust.....	Expl. B.....	No exemption, 73.92.....	None.....	200 pounds.
Jet thrust igniters. See Igniters, jet thrust.				
Lithium aluminum hydride.....	F. S.....	No exemption, 73.206.....	Yellow.....	25 pounds.
Magnesium dross.....	See § 73.173.....			
Methyl bromide and ethylene dibromide mixture, liquid.....	Pois. B.....	73.353.....	Poison.....	55 gallons.
New explosives or explosive devices.....	See §§ 73.51 (a), 73.86, and 74.502 (a) (8).			
Phenyl isocyanate.....	Pois. C.....	No exemption, 73.356.....	Tear Gas.....	75 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend entire § 73.25 (16 F. R. 9372, Sept. 15, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.25) to read as follows:

§ 73.25 *Specification containers in outside containers.* (a) Outside specification shipping containers containing no acids or other corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, or metal barrels or drums. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by the regulations in this part to be marked "This Side Up" or "This End Up" must be packed in the outside package with their filling holes up, and the outside package must be marked "THIS SIDE UP" or "THIS END UP" The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRE-

SCRIBED SPECIFICATIONS" unless the specification markings on the inside packages are visible through openings in the outside package.

(b) Outside specification shipping containers containing acids or other corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except as provided in §§ 73.258 to 73.261. The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "THIS SIDE UP" or "THIS END UP" The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" unless the specification markings on the inside packages are visible through openings in the outside package.

2. Amend § 73.33 paragraphs (g) and (k) (11) (15 F. R. 8281, 8282, Dec. 2, 1950) (49 CFR 73.33, 1950 Rev.) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks. * * *

(g) Cargo tanks of the specifications shown in subparagraph (1) of this paragraph, made prior to the effective date of this order, authorized for use under regulations of the Commission effective March 1, 1935, those effective June 15, 1940, or February 1, 1942, may be continued in use as previously authorized until further order of the Commission.

(1) Where these regulations call for specification numbers:	Containers made under the following specifications may also be used:
MC 200-----	7.2-S-1.
MC 201-----	7.2.
MC 300-----	7.3-S-1.2.
MC 301-----	7.3-S-1.3.
MC 302-----	7.3-S-1.4.
MC 303-----	7.3-S-1.5.
MC 311-----	MC 310 and 7.5-S-1.2.

(k) * * *

(11) Every cargo tank authorized for the transportation of flammable liquids and/or corrosive liquids under specifications MC 300 to MC 303 inclusive, or MC 311 (§§ 78.321 to 78.324 or § 78.331 of this chapter) must be retested as provided in the applicable specification, except that retests not required on tanks equipped with rubber lining but retests must be made before such tanks are relined.

3. Add exception (k) (12) to § 73.34 (15 F. R. 8284, Dec. 2, 1950) (49 CFR 73.34, 1950 Rev.) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders. * * *

(k) * * *

(12) Cylinders made in compliance with specifications ICC-4B, ICC-4BA (§§ 78.50 and 78.51 of this chapter) or ICC-26-300, used exclusively for liquefied petroleum gas which is commercially free from corroding components, may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due. When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year) ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and ownership symbol (if needed for adequate identification)) type cylinder protective coating (painted, galvanized, etc., and statement as to need of re-finishing or recoating) conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footing or protective ring, or fire damage) disposition of cylinders (returned to service, to cylinder manufacturer for repairs, or scrapped) a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the

recording of the retest date, except that an "E" is to follow the date (month and year) indicating requalification by the external inspection method.

SUBPART E—EXPLOSIVES; DEFINITIONS AND PREPARATIONS

1. Add paragraph (q) to § 73.51 (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.51, 1950 Rev.) to read as follows:

§ 73.51 Forbidden explosives. * * *

(q) New explosives (except samples for laboratory examination (see § 73.86)) until approved for transportation by the Bureau of Explosives.

2. Amend § 73.53 paragraph (k) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 Definition of class A explosives. * * *

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles or rocket heads loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, mortars, or rocket launching devices.

3. Amend § 73.79 introductory text of paragraph (a) (18 F. R. 5271, Sept. 1, 1953) (49 CFR 73.79, 1950 Rev.) to read as follows:

§ 73.79 Jet thrust units (jato), class A. (a) Jet thrust units (jato) class A, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. (For shipments of igniters, jet thrust, see § 73.92.) These units must be packed in outside containers complying with the following specifications:

4. Amend § 73.88 paragraph (b) and add paragraph (e) (1) (16 F. R. 9373, Sept. 15, 1951) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.88) to read as follows:

§ 73.88 Definition of class B explosives. * * *

(b) Ammunition for cannon for empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(e) * * *

(1) Igniters, jet thrust, are devices used to ignite the propelling charge of jet thrust units.

5. Amend entire § 73.92 (18 F. R. 5271, Sept. 1, 1953) (49 CFR 73.92, 1950 Rev.) to read as follows:

§ 73.92 Jet thrust units (jato), class B, or igniters, jet thrust. (a) Jet thrust units (jato) class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the

United States Government. Jet thrust units (jato) class B, or igniters, jet thrust, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§ 78.165, § 78.168, § 78.172 or § 78.185 of this chapter). Wooden boxes or wooden boxes, fiberboard lined.

(2) Spec. 15B (§ 78.169 of this chapter). Authorized only for igniters, jet thrust.

(b) Jet thrust units (jato) class B, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS B" or "IGNITERS, JET THRUST"

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

Amend § 73.138 paragraph (a) (16 F. R. 5324, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.138) to read as follows:

§ 73.138 Pentaborane. (a) Pentaborane must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be protected with valve protection cap or must be packed in strong wooden boxes and blocked therein so as to protect the valves from injury under conditions normally incident to transportation. Cylinders not exceeding 2 inches in diameter nor 6 inches in length, excluding the length of the valve, may also be packed in strong solid fiberboard boxes, having no outside dimension less than 4 inches, completely filled with layers of strong corrugated fiberboard, the center of which shall be cut out to fit the cylinder valve, and otherwise so designed that neither the cylinder nor the valve will be in contact with any wall of the box under conditions normally incident to transportation.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (63) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 Exemptions for flammable solids and oxidizing materials. * * *

(c) * * *

(63) Lithium aluminum hydride.

2. Amend § 73.173 heading and paragraph (a) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.173, 1950 Rev.) to read as follows:

§ 73.173 Aluminum dross or magnesium dross. (a) Aluminum dross or magnesium dross must not be shipped when hot or when containing moisture liable to cause heating or fire during transportation.

3. Amend § 73.190 paragraph (b) (4) (15 F. R. 8303, 8309, Dec. 2, 1950) (49 CFR 73.190, 1950 Rev.) to read as follows:

§ 73.190 *Phosphorus, white or yellow.*

* * *

(b) * * *

(4) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before being offered for transportation.

* * *

4. In § 73.206 amend heading and introductory text of paragraph (a) and amend paragraph (a) (1) and (2) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) Sodium or potassium, metallic, sodium amide, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes with air-tight metal inside containers which must have closing device securely fastened by positive means (not friction). Inside metal cans with closures securely fastened, positive means not required, must not exceed 1-gallon capacity each for lithium aluminum hydride and must be cushioned in outside containers with sufficient incombustible packing material.

(2) Spec. 5, 6A, 6B, or 6C (§ 78.80, § 78.97, § 78.98 or § 78.99 of this chapter) Metal barrels or drums. Not authorized for lithium aluminum hydride.

* * *

5. In § 73.214 amend heading and introductory text of paragraph (a) amend paragraph (a) (1) and cancel Note 1 to paragraph (a) (1) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.214, 1950 Rev.) to read as follows:

§ 73.214 *Zirconium metal powder or hafnium metal powder wet or sludge.* (a) Zirconium metal powder or hafnium metal powder, wet or sludge, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes with inside metal cans, spec. 2A (§ 78.20 of this chapter) of screw-cap type, or tightly and securely closed by push-in covers held in place by soldering or crimping at least at four points and not exceeding 10 pounds net weight each, or inside metal drums of not less than 26 gauge bodies and heads, with welded side seams and gasketed closure of positive type (not friction) and capacity not over 50 pounds net weight. Gross weight of outside containers must not exceed 150 pounds.

* * *

6. In § 73.215 amend heading and introductory text of paragraph (a) amend paragraph (a) (1) and add paragraph

(a) (3) (4) and (5) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.215, 1950 Rev.) to read as follows:

§ 73.215 *Zirconium or hafnium metal powder or sponge, dry.* (a) Zirconium or hafnium metal powder or sponge, dry, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes with inside metal containers, tightly and securely closed by push-in covers held in place by soldering or crimping at least at four points, or in screw-cap type metal cans. Inside containers must not exceed 10 pounds net each. Gross weight of outside packages must not exceed 75 pounds each.

* * *

(3) Spec. 6A, 6B, or 6C (§ 78.97, § 78.98 or § 78.99 of this chapter) Metal barrels or drums not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium metal sponge (not powder)

(4) Spec. 17H or 37D (§ 78.118 or § 78.125 of this chapter) Metal drums (single-trip) not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium metal sponge (not powder)

(5) Zirconium or hafnium metal of particle size exceeding 29 mesh is not subject to these regulations.

7. Amend entire § 73.220 (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.220) to read as follows:

§ 73.220 *Magnesium scrap or aluminum scrap (borings, chunks, clippings, shavings, sheets, or turnings)* (a) Magnesium scrap or aluminum scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in tightly and securely closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in tightly and securely closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap or aluminum scrap consisting of chunks, clippings, or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel or wood covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap or aluminum scrap consisting of chunks, clippings, or sheets in tightly and secured closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS: DEFINITIONS AND PREPARATION

Amend § 73.247 paragraph (a) (9) and (13) (18 F. R. 803, Feb. 7, 1953) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuric chloride, silicon chloride, sulfur chloride (mono and di) sulfuric chloride, thionyl chloride, tin tetrachloride (anhydrous) and titanium tetrachloride.* (a) * * *

(9) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles. Ben-

zyl chloride must be stabilized when loaded in unlined tanks.

* * *

(13) Spec. 103A or 103A-W (§ 78.266 or § 78.281 of this chapter) Tank cars, nickel clad at least 10 percent, authorized for acetyl chloride, stabilized benzyl chloride, benzoyl chloride, pyro sulfuric chloride, sulfuric chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron. Nickel clad tank cars are not authorized for unstabilized benzyl chloride.

2. Amend § 73.248 paragraph (a) (6) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.248, 1950 Rev.) to read as follows:

§ 73.248 *Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.* (a) * * *

(6) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles.

* * *

3. Amend § 73.249 paragraph (a) (6) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) * * *

(6) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles, marked "For Caustic Soda, Liquid Only", or "For Caustic Potash Liquid Only"

* * *

4. Amend § 73.250 paragraph (a) (3) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.250, 1950 Rev.) to read as follows:

§ 73.250 *Automobiles or other self-propelled vehicles.* (a) * * *

(3) When batteries are installed in the vehicle, they must be completely protected so that short circuits will be prevented and so secured that leakage of acid will not occur under conditions normal to transportation.

5. Amend § 73.254 paragraph (a) (5) (16 F. R. 5325, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.254) to read as follows:

§ 73.254 *Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.* (a) * * *

(5) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles.

6. Amend § 73.257 paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(4) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles, except that unlined tanks must not be used.

* * *

7. In § 73.263 amend heading and introductory text of paragraph (a), amend paragraph (a) (10) and add paragraph (a) (14) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* (a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, in-

hibited, and sodium chlorite solution not exceeding 40 percent sodium chlorite must be packed in specification containers as follows:

(10) Spec. MC 311 (§ 78.331 of this chapter). Tank motor vehicles, lined with rubber or equally acid-resistant material of equivalent strength and durability.

(14) Spec. 17H or 37D (§ 78.118 or § 78.125 of this chapter) Metal drums (single-trip) not over 5 gallons capacity each. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15 percent hydrochloric (muriatic) acid. Drums must be lined throughout with a pliable plastic material impervious to the solution. Spec. 37D metal drums must be at least 24 gauge steel.

8. Amend § 73.264 paragraphs (a) (14) and (b) (3) (15 F. R. 8317, 8318, Dec. 2, 1950) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * * (14) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles.

(b) * * * (3) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles.

9. Amend § 73.265 paragraph (b) (4) (17 F. R. 1562, Feb. 20, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.265) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* * * * (b) * * * (4) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles, lined with rubber.

10. Amend § 73.267 paragraph (a) (7) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.267, 1950 Rev.) to read as follows:

§ 73.267 *Mixed acid (nitric and sulfuric acid) (nitrating acid)* (a) * * * (7) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles. (See paragraph (b) of this section.)

11. Amend § 73.268 paragraph (b) (3) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.268, 1950 Rev.) to read as follows:

§ 73.268 *Nitric acid.* * * * (b) * * * (3) Spec. MC 311 (§ 78.331 of this chapter). Tank motor vehicles.

12. Amend § 73.271 paragraph (a) (8) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) * * * (8) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles when tanks are lead-lined.

13. Add paragraph (c) (5) to § 73.272 and amend paragraphs (g) (1), (h) (2) and (i) (3) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* * * * (c) * * *

(5) Spec. 22A or 22B (§ 78.196 or § 78.197 of this chapter). Wooden drums, glued plywood, with not more than 1 inside container of glass or earthenware not over 1-gallon capacity.

(g) * * * (1) Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter). Metal barrels or drums. Spec. 5C metal barrels or drums must be of types 304, 316, or 347 stainless steel and are authorized only for 66° Baume sulfuric acid.

[Note 1 remains the same.]

(h) * * * (2) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicle.

(i) * * * (3) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles (rubber-lined)

14. Amend § 73.289 paragraph (a) (4) (18 F. R. 804, Feb. 7, 1953) (49 CFR 73.289, 1950 Rev.) to read as follows:

Kind of gas	Maximum permitted filling density (see Note 12) (pounds per cubic foot)	Cylinders (see Note 11) marked as shown in this column must be used as provided in Note 1 and § 73.24 (a) to (c)
Carbon monoxide (see Note 13)-----	-----	ICC-3A1500; ICC-3AA1500; ICC-3.

NOTE 13: The pressure in the cylinder must not exceed 1000 pounds per square inch at 70° F.

2. Amend § 73.314 paragraph (g) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 73.314, 1950 Rev.) to read as follows:

§ 73.314 *Compressed gases in tank cars.* * * *

(g) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, dichlorodifluoromethane, dichlorodifluoromethane-mono-fluorotrichloromethane mixture, fertilizer ammoniating solution containing free ammonia, liquid carbon dioxide, methyl chloride, monochlorodifluoromethane, nitrogen fertilizer solution, and vinyl chloride, inhibited, loaded into tanks mounted on one car structure must not exceed 60,000 pounds. *Provided*, That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the

§ 73.289 *Formic acid and formic acid solutions.* (a) * * *

(4) Spec. MC 311 (§ 78.331 of this chapter) Tank motor vehicles.

15. Add § 73.292 (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.292, 1950 Rev.) to read as follows:

§ 73.292 *Hexamethylene diamine solution.* (a) Hexamethylene diamine solution must be packed in specification containers as follows:

(1) In containers prescribed in § 73.249.

(2) Spec. MC-300, MC-301, MC-302, MC-303, or MC-311 (§ 78.321, § 78.322, § 78.323, § 78.324 or § 78.331 of this chapter) Tank motor vehicles.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Add the entry "Carbon monoxide" in paragraph (a) table and add Note 13 in § 73.308 (17 F. R. 9337, Nov. 1, 1952) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

tank in excess of 225 pounds per square inch, mounted on one car structure, tank jackets stenciled ICC-105A300 (§ 78.271 of this chapter) if tanks are forge-welded and ICC-105A300W (§ 78.286 of this chapter) if tanks are fusion-welded, and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§ 78.273 or § 78.288 of this chapter) the quantity of liquefied chlorine gas or liquefied sulfur dioxide gas loaded into such tanks must be not more than 110,000 pounds and the quantity of liquefied chlorine gas loaded into such tanks must be at least 107,800 pounds. (See Appendix D to Subpart I of Part 78 of this chapter.)

3. Amend § 73.315 paragraph (a) (1) table and paragraph (1) (2) table (18 F. R. 5272, Sept. 1, 1953) (18 F. R. 3137, June 2, 1953) (17 F. R. 9339, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a)

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Anhydrous ammonia-----	63-----	82 See Note 6-----	ICC-51, MC-300-----	225.
Anhydrous dimethylamine-----	63-----	See Note 7-----	ICC-51, MC-300-----	150.
Anhydrous monomethylamine-----	63-----	See Note 7-----	ICC-51, MC-300-----	150.
Anhydrous trimethylamine-----	67-----	See Note 7-----	ICC-51, MC-300-----	150.
Carbon dioxide-----	See par. (c) of this section.	85-----	ICC-51, MC-300-----	250; see Note 3.

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Dichlorodifluoromethane.....	119.....	See Note 7.....	MC-330.....	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.....	See par. (c) of this section.	See Note 7.....	MC-330.....	150.
Liquefied petroleum gas.....	See par. (b) of this section.	See par. (b) of this section.	ICC-51, MC-330.....	See subpar. (b) (1) of this section.
Monochlorodifluoromethane.....	105.....	See Note 7.....	ICC-51, MC-330.....	250.
Nitrous oxide.....	See par. (c) of this section.	95.....	ICC-51, MC-330.....	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).....	125.....	87.5.....	ICC-51, MC-330.....	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).....	125.....	87.5.....	ICC-51, MC-330.....	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000-2,000 pounds water capacity, fusible plug).....	125.....	See Note 6.....	ICC-51.....	225.

(i) * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (psig)
Anhydrous ammonia.....	265.
Carbon dioxide.....	See paragraph (i) (1) of this section.
Dichlorodifluoromethane.....	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.....	150.
Liquefied petroleum gases.....	90 percent of the design working pressure of tank.
Nitrous oxide.....	See paragraph (i) (1) of this section.
Sulfur dioxide:	
Up to 1,200 gallons water capacity tank.....	120.
Over 1,200 gallons water capacity tank.....	110.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.353 amend heading and introductory text of paragraph (a) and add paragraph (d) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:

§ 73.353 *Methyl bromide or mixtures of methyl bromide and ethylene dibromide, liquid.* (a) Methyl bromide must be packed in specification containers as follows:

(d) Methyl bromide and mixtures of ethylene dibromide, liquid, must be packed in specification containers as follows:

(1) Spec. 17C (§ 78.115 of this chapter) Metal drums (single-trip) not over 5 gallons capacity each and having no opening exceeding 2.3 inches in diameter.

2. Add paragraph (b) (3) to § 73.357 (16 F. R. 9379, Sept. 15, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.357) to read as follows:

§ 73.357 *Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.* * * *

(b) * * *

(3) Spec. 17C or 17E (§ 78.115 or § 78.116 of this chapter) Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 30 gallons. Authorized only for chlorpicrin mixtures containing not

to exceed 15 percent chlorpicrin by weight and only authorized for such mixtures not classed as flammable under these regulations.

3. Amend § 73.377 paragraph (a) (1) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) * * *

(1) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter) Fiberboard boxes, with inside containers which must be metal or fiber cans not over 8 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter) not over 8 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (b), (c) and (d) of this section.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.401 paragraph (c) (15 F. R. 8340, Dec. 2, 1950) (49 CFR 73.401, 1950 Rev.) to read as follows:

§ 73.401 *Dangerous articles.* * * *

(c) Packages containing flammable liquids in inside containers of 1 quart capacity or larger, or corrosive liquids, acids, alkaline caustic liquids, and liquid oxidizing materials in inside containers regardless of capacity, unless specifically exempted, must be packed with filling holes up, and except for carboys not completely boxed, the outside container must be plainly marked "THIS SIDE UP" or "THIS END UP" on the cover or top to indicate the position of the inside containers. This requirement does not apply to materials in inside metal cans of the nonrefillable type with spun-in head and base and having no replaceable cap or other closing device.

PART 74—CARRIERS BY RAIL FREIGHT

1. Amend § 74.502 paragraph (a) (8) (15 F. R. 8345, Dec. 2, 1950) (49 CFR 74.502, 1950 Rev.) to read as follows:

§ 74.502 *Forbidden explosives.* (a) * * *

(8) New explosives (except samples for laboratory examination (see § 73.86 of this chapter)) until approved for transportation by the Bureau of Explosives.

* * *

2. Amend § 74.526 paragraph (1) (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 74.526) to read as follows:

§ 74.526 *Loading explosives into cars.* * * *

(1) Explosives, class A, must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or electric devices having exposed heating coils, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

3. Amend § 74.527 paragraphs (a) and (b) (17 F. R. 1563, Feb. 20, 1952) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 74.527) to read as follows:

§ 74.527 *Forbidden mixed loading and storage.* (a) Explosives, class A, and initiating or priming explosives must not be transported in the same car with, nor be stored on railway property near, any of the dangerous articles other than explosives for which red, yellow, green, white (acid or corrosive liquid) or radioactive material labels are prescribed in Parts 71-78 of this chapter, nor with charged electric storage batteries.

(b) Explosives must not be loaded together nor with other dangerous articles, except as provided in the loading and storage chart (see § 74.538) See § 74.534 (h) for loading shipments of explosives or any other material in a placarded and certified car containing a shipment of class A explosives.

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

Amend § 74.532 paragraph (c) (18 F. R. 3138, June 2, 1953) (49 CFR 74.532, 1950 Rev.) to read as follows:

§ 74.532 *Loading other dangerous articles.* * * *

(c) Packages protected by labels or exempted from labels by § 73.402 (c) of this chapter must be so loaded that they cannot fall and in such manner that other packages cannot fall onto or slide against them. Packages bearing marking "This Side Up" or "This End Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart, § 74.538.) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid" "Alkaline Caustic Liquid" or "Corrosive Liquid" labels.

4. Add § 78.136-13 (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.136-13, 1950 Rev.) to read as follows:

§ 78.136 *Specification 42E; aluminum drums. Single-trip container.*

§ 78.136-13 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Cancel entire § 78.330 (15 F. R. 8554, 8555, 8556, Dec. 2, 1950) (49 CFR 78.330, 1950 Rev.)

2. Add § 78.331 (15 F. R. 8556, Dec. 2, 1950) (49 CFR 78.331, 1950 Rev.) to read as follows:

§ 78.331 *Specification MC 311, cargo tanks. To be mounted on or to form part of tank motor vehicles for the transportation of corrosive liquids.*

§ 78.331-1 *Scope.* (a) This specification is primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of corrosive liquids.

§ 78.331-2 *Existing tank motor vehicles continuing in service—(a) Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T-117 (a) T-118 (a) and (b) T-120, T-121, T-122, T-123, and T-124, of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, approved, adopted, and prescribed by order of this Commission dated November 6, 1934, and vacated on June 15, 1940.

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to the effective date of this specification, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 of the Regulations for the Transportation of Explosives and Other Dangerous Articles.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this section, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 78.331-6 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories as specified in §§ 78.330-15, 78.330-16, 78.330-17, 78.330-18 (b) and 78.330-19 of specification MC 310 or §§ 78.331-11 (d) and (e) 78.331-15 and 78.331-17 of this specification.

(c) *Qualification of existing tank motor vehicles which conform to Specification MC-311.* Tank motor vehicles

used for the transportation of corrosive liquids which shall have been in service prior to the effective date of this specification and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331-5.

§ 78.331-3 *New tank motor vehicles.* (a) Except as provided in § 78.331-4 every new tank motor vehicle acquired by a motor carrier on or after the effective date of this specification, for the transportation of any corrosive liquid shall comply with the requirements of specification MC-311. A certificate from the builder of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of this specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. The certificate shall indicate that the cargo tank has successfully passed the test requirements of § 78.331-7.

§ 78.331-4 *Novel tank motor vehicles, special authorization.* (a) The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tanks which fail to meet the requirements of this specification. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport corrosive liquids.

§ 78.331-5 *Marking of cargo tanks—* (a) *Metal identification plate.* On the right side, near the front, and in a place readily accessible for inspection, there shall be on every cargo tank a metal plate. This plate shall be permanently affixed by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.¹
Manufacturer's Name.²
Date of Manufacture.³
ICC MC * * *
Maximum Working Pressure.⁴
Material.⁴
Lining.⁴
Nominal Capacity⁴..... U. S. Gallons.⁴
Density of Cargo, Maximum. Lb./Gallon.⁴

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tanks may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN"

³ Substitute "ICC SPEC-T-118" or "ICC 7.5-S-1" or "MC 310" or "NO SPECIFICA-

TION" as appropriate. For MC 311 cargo tanks insert MC 311-IIS for steel tanks designed in accordance with Table II of § 78.331-8 (d); MC 311-HIS for steel tanks designed in accordance with Table III of § 78.331-8 (d) and MC 311-IVS for steel tanks designed in accordance with Table IV of § 78.331-8 (d). For aluminum tanks substitute AL for S.

⁴ This data required for MC 311 cargo tanks only.

(b) *Test date markings.* The date of the last test or retest required by the regulations in this part shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plates specified in paragraph (a), of this section.

(c) *Certification by markings.* The markings specified in paragraphs (a) and (b) of this section shall serve to certify that the information thereby set forth is correct.

§ 78.331-6 *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any corrosive liquid shall be tested or retested as follows:

(a) *Tanks out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall have successfully fulfilled the requirements set forth under § 78.331-7.

(b) *Nonspecification tanks.* Every cargo tank not complying with the requirements set forth in § 78.331-2 (a) or § 78.331-3 shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.331-7. No two such required tests shall be closer together than 6 months.

(c) *Specification tanks.* Every cargo tank complying with the requirements set forth in § 78.331-2 (a) or § 78.331-3 shall be tested at least once in every 5-year period. If tested no oftener than once every 5 years, at least once such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.331-7.

(d) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission to transport corrosive liquids under the provisions of § 78.331-4 shall be tested under requirements specifically set forth in the terms of such authorization.

(e) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under § 78.331-7 if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(f) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the

SUBPART C—PLACARDS ON CARS

Amend § 74.549 paragraph (h) (18 F. R. 3138, June 2, 1953) (49 CFR 74.549, 1950 Rev.) to read as follows:

§ 74.549 *Application of placards.*

(h) Placards must be securely applied to both sides and both ends of car, or truck body or trailer loaded on flat cars, containing explosives or other dangerous articles for which placards are prescribed for cars containing such articles by §§ 74.541 and 74.542.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

Amend § 74.584 paragraph (h) (15 F. R. 8355, Dec. 2, 1950) (49 CFR 74.584, 1950 Rev.) to read as follows:

§ 74.584 *Waybills, switching orders, or other billing.*

(h) At stations where other shipments of any material are loaded into a properly certified and placarded car received with shipments of explosives, or when shipments of explosives are transferred or reloaded, or carload shipments are recognized, a record must be kept of the car, originating point, carriers name and date of car certificate.

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.655 paragraphs (a) and (d) (17 F. R. 4297, May 10, 1952) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 75.655) to read as follows:

§ 75.655 *Protection of packages.* (a) In handling packages containing explosives or other dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled. Packages bearing the marking "This Side Up" or "This End Up" as required by Part 73 of this chapter must be so handled and loaded.

(d) Shipments of explosives or other dangerous articles, except poisons and nonflammable compressed gases, when transported in passenger carrying trains, should be loaded in the car occupied by an express employee or in connecting cars to which an express employee has access through end doors, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. Explosives, flammable liquids (red label) and flammable compressed gases (red gas label) must not be loaded, transported, or stored in cars or stations equipped with lighted heaters or where open-flame lights or stoves or electric devices having exposed heating coils are used. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Amend § 78.1-9 introductory text of paragraph (d) (18 F. R. 3139, June 2, 1953) (49 CFR 78.1-9, 1950 Rev.) to read as follows:

§ 78.1 *Specification 1A, boxed carboys.* Glass, earthenware, clay, or stoneware.

§ 78.1-9 *Tests.*

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for

2. Amend § 78.3-9 introductory text of paragraph (d) (18 F. R. 3139, June 2, 1950) (49 CFR 78.3-9, 1950 Rev.) to read as follows:

§ 78.3 *Specification 1C, carboys in kegs.* Glass, earthenware, clay, or stoneware.

§ 78.3-9 *Tests.*

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for

3. Amend § 78.4-8 introductory text of paragraph (d) (18 F. R. 3139, June 2, 1953) (49 CFR 78.4-8, 1950 Rev.) to read as follows:

§ 78.4 *Specification 1D, boxed glass carboys.*

§ 78.4-8 *Tests.*

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for

4. Amend § 78.5-9 entire paragraph (d) (18 F. R. 3140, June 2, 1953) (15 F. R. 8377, Dec. 2, 1950) (49 CFR 78.5-9, 1950 Rev.) to read as follows:

§ 78.5 *Specification 1X, boxed carboys, 5 to 6 gallon, for export only.* Glass, earthenware, clay, or stoneware.

§ 78.5-9 *Tests.*

(d) *When required.* By each manufacturer, and each shipper who fills and ships new carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for

(1) New packages (those with new outside container)

(2) Packages differing in kind of cushioning.

5. Amend § 78.6-10 introductory text of paragraph (d) (18 F. R. 3140, June 2, 1953) (49 CFR 78.6-10, 1950 Rev.) to read as follows:

§ 78.6 *Specification 1EX, glass carboys in plywood drums for export only.*

§ 78.6-10 *Tests.*

(d) *When required.* By each manufacturer, and each shipper who fills and ships new carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for

6. Amend § 78.7-8 introductory text of paragraph (d) (18 F. R. 3140, June 2, 1953) (49 CFR 78.7-8, 1950 Rev.) to read as follows:

§ 78.7 *Specification 1E, glass carboys in plywood drums.*

§ 78.7-8 *Tests.*

(d) *When required.* By each manufacturer, and each shipper who fills and ships new or used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Add § 78.107-13 (15 F. R. 8446, Dec. 2, 1950) (49 CFR 78.107-13, 1950 Rev.) to read as follows:

§ 78.107 *Specification 42B; aluminum drums.*

§ 78.107-13 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

2. Add § 78.108-13 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.108-13, 1950 Rev.) to read as follows:

§ 78.108 *Specification 42C; aluminum barrels or drums.*

§ 78.108-13 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

3. Add § 78.109-13 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.109-13, 1950 Rev.) to read as follows:

§ 78.109 *Specification 42D; aluminum drums.*

§ 78.109-13 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

Commission may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of § 78.331-7 at any time.

§ 78.331-7 *Method of testing*—(a) *Test for leaks; cargo tanks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of which shall not exceed 100° F during the test, and applying a pressure of 1½ times the design working pressure but not less than 3 pounds per square inch gauge. The pressure shall be gauged at the top of tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in § 78.331-7 (a) and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After any interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 pounds per square inch gauge. Systems employing fires for the heating of the contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the fires or into the atmosphere.

§ 78.331-8 *Design requirements*—(a) *A. S. M. E. Code construction.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, 1951, or 1952 editions—no revisions, but shall not have head, bulkhead, baffle or shell thicknesses less than that specified in paragraphs (c) and (d) of this section, nor shall the spacing of bulkheads, baffles, or shell stiffeners be less than that specified in those sections.

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, tested, and retested as a separate tank.

(c) *Head, bulkhead and baffle thicknesses.* Tanks built under this specification, that are not constructed in accordance with paragraph (a) of this section shall have head thicknesses conforming with those in the following tables:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED)—FOR MILD, HIGH TENSILE AND STAINLESS STEELS

Weight of product at 60° F. in pounds per gallon	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Less than 10.....	12 gauge ¹	10 gauge.....	9 gauge.....	8 gauge.....
10 to 13.....	10 gauge.....	8 gauge.....	7/16 inch.....	3/4 inch.....
Over 13 to 16.....	8 gauge.....	7/16 inch.....	3/4 inch.....	7/8 inch.....

¹ Wherever gauges are specified in this specification the references shall be to U. S. Standard gauge.

(d) *Shell thickness.* Tanks built under this specification, that are not constructed in accordance with paragraph (a) of this section, shall have shell thicknesses conforming with those in the following tables, except that where § 78.331-15 permits one compartment tanks up to 90 inches without baffles, the shell thickness for such cargo tanks shall correspond with the shell thickness required for 54 inch to 60 inch spacings:

TABLE II—FOR LIQUIDS LESS THAN 10 POUNDS PER GALLON

[Minimum shell thickness in United States Standard gauge and inches—For mild, high tensile and stainless steel]

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell radius of less than 70 inches				
36 inches or less.....	12 gauge.....	12 gauge.....	12 gauge.....	10 gauge.....
Over 36 inches to 54 inches.....	12 gauge.....	12 gauge.....	10 gauge.....	9 gauge.....
Over 54 inches to 60 inches.....	12 gauge.....	10 gauge.....	9 gauge.....	8 gauge.....
Maximum shell radius 70 inches or more but less than 90 inches				
36 inches or less.....	12 gauge.....	12 gauge.....	10 gauge.....	9 gauge.....
Over 36 inches to 54 inches.....	12 gauge.....	10 gauge.....	9 gauge.....	8 gauge.....
Over 54 inches to 60 inches.....	10 gauge.....	9 gauge.....	8 gauge.....	7/16 inch.....
Maximum shell radius 90 inches or more but less than 125 inches				
36 inches or less.....	12 gauge.....	10 gauge.....	9 gauge.....	8 gauge.....
Over 36 inches to 54 inches.....	10 gauge.....	9 gauge.....	8 gauge.....	7/16 inch.....
Over 54 inches to 60 inches.....	9 gauge.....	8 gauge.....	7/16 inch.....	3/4 inch.....
Maximum shell radius 125 inches or more				
36 inches or less.....	10 gauge.....	9 gauge.....	8 gauge.....	7/16 inch.....
Over 36 inches to 54 inches.....	9 gauge.....	8 gauge.....	7/16 inch.....	3/4 inch.....
Over 54 inches to 60 inches.....	8 gauge.....	7/16 inch.....	3/4 inch.....	7/8 inch.....

TABLE III—FOR LIQUIDS OVER 10 TO 13 POUNDS PER GALLON

[Minimum shell thickness in United States Standard gauge and inches—For mild, high tensile and stainless steel]

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell radius of less than 70 inches				
36 inches or less.....	10 gauge.....	10 gauge.....	10 gauge.....	8 gauge.....
Over 36 inches to 54 inches.....	10 gauge.....	10 gauge.....	8 gauge.....	7/16 inch.....
Over 54 inches to 60 inches.....	10 gauge.....	8 gauge.....	7/16 inch.....	3/4 inch.....
Maximum shell radius 70 inches or more but less than 90 inches				
36 inches or less.....	10 gauge.....	10 gauge.....	8 gauge.....	7/16 inch.....
Over 36 inches to 54 inches.....	10 gauge.....	8 gauge.....	7/16 inch.....	3/4 inch.....
Over 54 inches to 60 inches.....	8 gauge.....	7/16 inch.....	3/4 inch.....	7/8 inch.....
Maximum shell radius 90 inches or more but less than 125 inches				
36 inches or less.....	10 gauge.....	8 gauge.....	7/16 inch.....	3/4 inch.....
Over 36 inches to 54 inches.....	8 gauge.....	7/16 inch.....	3/4 inch.....	7/8 inch.....
Over 54 inches to 60 inches.....	7/16 inch.....	3/4 inch.....	7/8 inch.....	7/8 inch.....
Maximum shell radius 125 inches or more				
36 inches or less.....	8 gauge.....	7/16 inch.....	3/4 inch.....	7/8 inch.....
Over 36 inches to 54 inches.....	7/16 inch.....	3/4 inch.....	7/8 inch.....	7/8 inch.....
Over 54 inches to 60 inches.....	3/4 inch.....	7/8 inch.....	7/8 inch.....	7/8 inch.....

TABLE IV—FOR LIQUIDS OVER 13 TO 16 POUNDS PER GALLON

[Minimum shell thickness in United States Standard gauge or inches—For mild, high tensile and stainless steel]

Distance between attachments of bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
Maximum shell radius of less than 70 inches				
36 inches or less.....	8 gauge.....	8 gauge.....	8 gauge.....	3/16 inch.
Over 36 inches to 54 inches.....	8 gauge.....	8 gauge.....	3/16 inch.....	1/4 inch.
Over 54 inches to 60 inches.....	8 gauge.....	3/16 inch.....	1/4 inch.....	1/4 inch.
Maximum shell radius 70 inches or more but less than 90 inches				
76 inches or less.....	8 gauge.....	8 gauge.....	3/16 inch.....	1/4 inch.
Over 36 inches to 54 inches.....	8 gauge.....	3/16 inch.....	1/4 inch.....	1/4 inch.
Over 54 inches to 60 inches.....	3/16 inch.....	1/4 inch.....	1/4 inch.....	3/16 inch.
Maximum shell radius 90 inches or more but less than 125 inches				
36 inches or less.....	8 gauge.....	3/16 inch.....	1/4 inch.....	1/4 inch.
Over 36 inches to 54 inches.....	3/16 inch.....	1/4 inch.....	1/4 inch.....	3/16 inch.
Over 54 inches to 60 inches.....	1/4 inch.....	1/4 inch.....	3/16 inch.....	3/16 inch.
Maximum shell radius 125 inches or more				
36 inches or less.....	3/16 inch.....	1/4 inch.....	1/4 inch.....	3/16 inch.
Over 36 inches to 54 inches.....	1/4 inch.....	1/4 inch.....	3/16 inch.....	3/16 inch.
Over 54 inches to 60 inches.....	1/4 inch.....	3/16 inch.....	3/16 inch.....	3/16 inch.

(e) *Cargo tanks built of non-ferrous metals.* Cargo tanks constructed of materials other than mild, high tensile or

stainless steel shall have shell and head thicknesses designed in accordance with the following formula:

$$\text{Thickness for materials other than steel} = \text{Steel thickness from tables} \times \sqrt[3]{\frac{3 \times 10^7}{\text{Modulus of elasticity of material to be used}}}$$

§ 78.331-9 *Materials.* Methods of design, fabrication, and construction for such materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.

(a) *A. S. M. E. Code materials.* Cargo tanks required to comply with the A. S. M. E. Code for Unfired Pressure Vessels must be manufactured of materials authorized by the Code.

(b) *Ferrous metal properties.* Materials used in cargo tanks built to conform with the tables in § 78.331-8 (d) or (e) must have the following minimum physical properties:

Yield point..... 25,000 lb. per sq. in.
Ultimate strength..... 45,000 lb. per sq. in.
Minimum elongation, 20 percent.
2-inch sample.

(c) *Aluminum properties.* Aluminum materials must have the following minimum physical properties:

Yield point..... 12,000 lb. per sq. in.
Ultimate strength..... 17,000 lb. per sq. in.
Minimum elongation, 6 percent.
2-inch sample.

(d) *Lining.* Except as provided in paragraph (e) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogeneous, nonporous, impermeable when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by

other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(e) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (d) of this section if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.331-8 corresponding to its type, or

(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passified or neutralized.

§ 78.331-10 *Joints.* (a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank.

§ 78.331-11 *Tank outlets—(a) No bottom outlets.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the

top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve at the discharge end of the outlet and must not be moved with any of the contents in the outlet beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquid may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

(b) *Bottom wash-out chambers.* Tanks may be equipped with bottom wash-out chambers.

(c) *Bottom outlets and wash-out chambers.* Bottom outlets or bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

(d) *Shear section.* Any outlet shall be provided with a shear section between each shut-off valve seat and draw-off valve which section will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the draw-off valve or piping. Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

(e) *Protection of valves.* Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

§ 78.331-12 *Venting, gauging, loading, and air inlet devices—(a) Safety vent.* Each tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed 1½ times the design working pressure.

(b) *Gauging, loading and air inlet devices.* Gauging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections or valves.

§ 78.331-13 *Compartmentization.* (a) When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, tested, and retested as a separate tank. Flat heads or flat bulkheads without reinforcement are not permitted.

APPENDIX—Continued

Section and paragraph		Reason for amendment	
§ 78 331-14 Outage indicators (a)		§ 78 331-16 Overturn protection. (a)	
Every cargo tank, and every compartment of cargo tank must be equipped with a means of indicating outage		All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle	
§ 78 331-15 Closures for manholes		§ 78 331-17 Heater coils. (a) Heater coils when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks	
(a) The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank			
Section and paragraph		Reason for amendment	
71 2 (a)-----		To have the wording coincide with the law	
72 5 Commodity List-----		To provide for the transportation of new commodities	
73 26-----		To mark containers 'This End Up' when necessary	
73 33 (g) and (k) (11)-----		To provide for the use of new specification MC-311 cargo tank	
73 34 (k) (12)-----		To provide for the method of visual inspection for cylinders in lieu of the hydrostatic retest	
73 51 (a)-----		To restrict the transportation of new explosives until approved	
73 53 (k)-----		To provide proper marking and description of explosive loaded rocket heads	
73 70 (a)-----		To provide reference for the shipment of igniters jet thrust	
73 88 (b)-----		To classify certain catapult charges as class B explosives	
73 88 (c) (1)-----		To define igniters for jet thrust units	
73 92-----		To provide shipping containers for igniters jet thrust	
73 138 (a)-----		To provide additional shipping containers for pentaborane	
73 153 (c) (63)-----		To exclude lithium aluminum hydride from exemptions for flammable solids	
73 173 (a)-----		To provide restrictions for the shipment of magnesium dust	
73 180 (b) (4)-----		To provide MC 311, cargo tank for the transportation of phosphorus white or yellow	
73 200 (a), (a) (1) and (a) (2)-----		To provide shipping containers for the transportation of lithium aluminum hydride	
73 214 (a) and (a) (1)-----		To provide additional packing requirement for zirconium metal powder or hafnium metal powder wet or sludge	
73 215 (a), (a) (1), (a) (9), (a) (4), (a) (5)-----		To provide additional packing requirements for zirconium or hafnium metal powder or sponge dry	
73 230-----		To provide shipping requirements for the transportation of various types of aluminum scrap	
73 247 (a) (9)-----		To provide MC 311, cargo tank for the transportation of corrosive liquids	
73 247 (a) (13)-----		To prohibit the transportation of unstabilized benzyl chloride in nickel clad tank cars	
73 248 (a) (9)-----		Same as § 73 247 (a) (9)	
73 249 (a) (9)-----		Same as § 73 247 (a) (9)	
73 250 (a) (3)-----		To provide additional requirements for the shipment of batteries installed in vehicles	
73 254 (a) (5)-----		Same as § 73 247 (a) (9)	
73 257 (a) (4)-----		Same as § 73 247 (a) (9)	
73 263 (a) and (a) (14)-----		To provide shipping containers for the transportation of hydrochloric (muriatic) acid solution, inhibited	

APPENDIX—Continued

Section and paragraph		Reason for amendment	
73 263 a) (10)-----		Same as § 73 247 (a) (9)	
73 264 (a) (14) and (b) (3)-----		Same as § 73 247 (a) (9)	
73 265 (b) (4)-----		Same as § 73 247 (a) (9)	
73 267 (a) (7)-----		Same as § 73 247 (a) (9)	
73 268 (b) (3)-----		Same as § 73 247 (a) (9)	
73 271 (a) (8)-----		Same as § 73 247 (a) (9)	
73 272 (c) (5) and (e) (1)-----		To provide additional shipping containers for sulfuric acid	
73 272 (h) (2) and (1) (8)-----		Same as § 73 247 (a) (9)	
73 289 (a) (4)-----		Same as § 73 247 (a) (9)	
73 292-----		To provide additional tank motor vehicle for the transportation of hexamethylene diamine solution	
73 308 (a) Table and Note 13-----		To provide specific requirements for the transportation of carbon monoxide	
73 314 (g)-----		To provide for shipments of dichlorodifluoromethane and monochlorodifluoromethane in excess of 80 000 pounds in single unit tank cars	
73 315 (a) (1) Table-----		To reduce the minimum design working pressure of MC 330 cargo tanks for certain commodities	
73 315 (1) (2) Table-----		To reduce the start to discharge pressure to coincide with designed working pressure of authorized cargo tanks	
73 353 (a), (d) and (d) (1)-----		To provide shipping requirements for methyl bromide or mixtures of methyl bromide and ethylene dibromide liquid	
73 357 (b) (3)-----		To provide additional container for the transportation of chlorperlin mixtures	
73 377 (a) (1)-----		To increase the capacity of inside containers	
73 401 (c)-----		To require marking 'This End Up' on cylindrical containers	
74 502 (a) (8)-----		To restrict the transportation of new explosives until approved	
74 520 (1)-----		To prohibit the loading of explosives class A near electric devices having exposed heating coils	
74 527 (a) and (b)-----		To prohibit the loading and storage of explosives class A with radioactive material	
74 532 (c)-----		To clarify the marking and loading requirements	
74 519 (h)-----		To provide placarding requirements for motor vehicle trailers loaded on flat cars and containing explosives or dangerous articles	
74 564 (h)-----		To require the maintaining of additional records for certified cars	
75 055 (a)-----		To require packages marked 'This End Up' to be so loaded	
75 055 (d)-----		To prohibit the loading of explosives near electric devices having exposed heating coils.	
78 1-9 (d)-----		To clarify test requirements for carboys	
78 3-9 (d)-----		Same as § 78 1-9 (d)	
78 4-8 (d)-----		Same as § 78 1-9 (d)	
78 5-9 (d)-----		Same as § 78 1-9 (d)	
78 6-10 (d)-----		Same as § 78 1-9 (d)	
78 7-8 (d)-----		Same as § 78 1-9 (d)	
78 107-13-----		To provide for the repair of drums	
78 108-13-----		Same as § 78 107-13	
78 109-13-----		Same as § 78 107-13	
78 130-13-----		Same as § 78 107-13	
78 330-----		To discontinue construction of cargo tanks under an obsolete specification	
78 331-----		To provide for new specification cargo tank for corrosive liquids	

(F R Doc 53-9131; Filed, Sept 23 1953; 8:45 a m)

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18606, Amdt.]

CHARLOTTE DAHLMAYER FLYNN

In re: Estate of Charlotte Dahlmeyer Flynn, also known as Charlotte D. Flynn, also known as Charlotte Flynn, deceased. File No. D-28-2174; E. T. sec. 2857.

Vesting Order No. 18606, dated October 29, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Dahlmeyer, Magdalene Kayser, Ann Luise Steckmann and Louise Dahlmeyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Charlotte Dahlmeyer Flynn, also known as Charlotte D. Flynn, also known as Charlotte Flynn, deceased, and in and to the Estate of Gottfried Dahlmeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Sarah R. Strain, as administratrix, acting under the judicial supervision of the Probate Court for the District of New Haven, Connecticut;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on September 21, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-8196; Filed, Sept. 23, 1953; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 52501]

SMITH FORK PROJECT, COLORADO

ORDER OF REVOCATION; CORRECTION

SEPTEMBER 17, 1953.

Federal Register Document 53-7470, appearing on page 5106 of the issue for August 26, 1953, should bear the date of August 20, 1953, as the date of the concurrence of the Administrator.

WILLIAM ZIMMERMAN, JR.,
Associate Director

[F. R. Doc. 53-8180; Filed, Sept. 23, 1953; 8:45 a. m.]

OREGON

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 16, 1953.

Notice is hereby given that the plat of dependent resurvey of a portion of the boundaries and subdivisions involving sections 1; 12 and 13, T. 41 S., R. 8 E., W. M. Oregon, accepted May 11, 1953, will be officially filed in the Land Office, Portland 18, Oregon, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

WILLIAMETTE MERIDIAN

T. 41 S., R. 8 E.,
Sec. 1, Lots 1 to 8, inclusive;
Sec. 12, Lots 1 to 8, inclusive;
Sec. 13, Lots 1, 2, 5 and 6.

The area described aggregates 815.88 acres.

All of these lands are included in a withdrawal of August 8, 1908 for a Bird Reserve, established by Executive Order, and in a withdrawal of July 9, 1919, for the Klamath Project of the Bureau of Reclamation. The lands will not be available for filing of applications under the public land laws, including the mining laws, until an order opening them to such application and entry is published in the FEDERAL REGISTER. Anyone having a valid settlement right to any of these lands, initiated prior to the withdrawals of August 8, 1908, and July 9, 1919, should assert the same within three months from the date on which the plat is officially filed, by filing an application under the appropriate public land law setting forth all facts relevant to such claim.

All inquiries relating to these lands should be addressed to the Manager, Land Office, Portland 18, Oregon.

FRANCES A. PATTON,
Manager

[F. R. Doc. 53-8181; Filed, Sept. 23, 1953; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8650, 8742]

UNITED BROADCASTING CO. AND WJW, INC.

ORDER CONTINUING HEARING

In re applications of United Broadcasting Company, Cleveland, Ohio, Docket No. 8650, File No. BPCT-216; WJW, Inc., Cleveland, Ohio, Docket No. 8742, File No. BPCT-250; construction permits for new television broadcasting stations.

The hearing conference in the above-entitled matters now scheduled for 10 o'clock a. m., Friday, October 2, 1953, is hereby continued to 2 o'clock p. m., Monday, October 12, 1953.

Dated this 16th day of September 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8200; Filed, Sept. 23, 1953; 8:50 a. m.]

[Docket Nos. 10610, 10611]

ARKANSAS TELEVISION CO. AND ARKANSAS TELECASTERS, INC.

ORDER ADVANCING HEARING

In re applications of Arkansas Television Company Little Rock, Arkansas, Docket No. 10610, File No. BPCT-1057; Arkansas Telecasters, Inc., North Little Rock, Arkansas, Docket No. 10611, File No. BPCT-1740; for construction permits for new television stations.

The hearing conference in the above-entitled matter now scheduled for 10 o'clock a. m., October 12, 1953, is hereby advanced to 9 o'clock a. m. of said day, in Washington, D. C.

Dated this 16th day of September 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8201; Filed, Sept. 23, 1953; 8:50 a. m.]

[Docket No. 10648]

N-K BROADCASTING CO.

ORDER CONTINUING HEARING

In the matter of revocation order to be directed to Nicholas William Kuris and Gladys Kuris, d/b as N-K Broadcasting Company, Muskegon, Michigan; Docket No. 10648.

There being under consideration a request for continuance of the hearing scheduled for September 24, 1953, made in a document entitled "Petition for Clarification of Issues and for Continuance of Hearing," filed by Nicholas William Kuris and Gladys Kuris on September 4, 1953;

It appearing, that the Chief of the Commission's Broadcast Bureau has

filed an answer to the above petition stating that he has no objection to providing petitioner with further appropriate specific information, and that this could be accomplished at a pre-hearing conference before the Examiner; and that the hearing should therefore be postponed to permit the holding of such a conference sufficiently in advance of the hearing;

It is ordered, This 17th day of September 1953, that the request for continuance is granted to the extent that the hearing now scheduled for September 24, 1953, is continued to October 26, 1953, beginning at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] DEE W PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8202; Filed, Sept. 23, 1953;
8:50 a. m.]

[Docket Nos. 10679, 10680]

ALF M. LANDON AND R. F. SCHOONOVER
ORDER ADVANCING HEARING

In re applications of Alf M. Landon, Topeka, Kansas, Docket No. 10679, File No. BPCT-1079; R. F. Schoonover, Topeka, Kansas, Docket No. 10680; File No. BPCT-1313; for construction permits for new television stations.

The Commission having before it a petition to advance hearing date in the above-styled proceeding, filed on September 16, 1953, by Alf M. Landon, one of the applicants, requesting that the scheduled hearing be advanced from October 9 to September 25, 1953; and

It appearing, that on September 9, 1953, the Commission designated the above-entitled applications for consolidated hearing to commence at 10 a. m. on October 9, 1953, and in its order of designation found the petitioner legally, financially and technically qualified to construct, own, and operate a television broadcast station, but because of the then pendency of a competing application for this same facility, a comparative hearing was found necessary; and

It further appearing, that on September 15, 1953, counsel for R. F. Schoonover, the competing applicant filed a petition to dismiss his application without prejudice; and

It further appearing, that an advancement of the scheduled hearing date would not prejudice any interested person and good cause has been shown therefor; and

It further appearing, that counsel for the Broadcast Bureau has agreed to an immediate consideration and grant of the instant petition;

It is ordered, This 17th day of September 1953, that the hearing in the above-entitled proceeding be held in Washington on September 25, 1953, at 9:00 a. m.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] DEE W PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8203; Filed, Sept. 23, 1953;
8:50 a. m.]

[Docket No. 10689]

MOUNTAIN STATES TELEVISION CO.
ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Mountain States Television Company, Denver, Colorado, Docket No. 10689, File No. BMPCT-984; for additional time to complete construction of television broadcast Station KIRV.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of September 1953;

The Commission having under consideration the above-entitled application for additional time in which to complete construction of television broadcast Station KIRV at Denver, Colorado; and It appearing, that on September 17, 1952, the Commission granted Mountain States Television Company's application (BPCT-1063) for a construction permit for a television station to operate on Channel 20 in Denver, Colorado; and

It further appearing, that no construction has taken place nor have any orders been placed for the equipment necessary to begin such construction; and

It further appearing, that the applicant was advised on June 17, 1953, that the Commission was unable to find that the applicant had been diligent in proceeding with the construction authorized in its construction permit or that the applicant had been prevented from com-

mencing such construction by causes not under its control; and

It further appearing, that the applicant filed a reply to the aforesaid letter of June 17, 1953; and that the Commission, after due consideration of such reply, is still unable to conclude that the applicant has been diligent in proceeding with construction or has been prevented from commencing construction by causes not under its control, and cannot determine that a grant of the above-entitled application would serve the public interest;

It is ordered, That the above-entitled application of Mountain States Television Company is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Mountain States Television Company has been diligent in proceeding with the construction authorized in its construction permit (File No. BPCT-1063) granted on September 17, 1952

(2) To determine whether it would be in the public interest, convenience and necessity to grant the above-entitled application of Mountain States Television Company.

Released: September 18, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8204; Filed, Sept. 23, 1953;
8:50 a. m.]

[Change List No. 77]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 9, 1953.

Last of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Antenna	Schedule	Class	Probable date to commence operation
OKRD----	Red Deer, Alberta (FO-1230 kc/s-250w).	850 kilocycles 1 kw-----	DA-1	U	II	Change from DA-N; correction in call letters from CHRD on List 76.
OHNO----	Sudbury, Ontario-----	600 kilocycles 1 kw-----	DA-N	U	II	New in operation.
OKOW----	Moncton, New Brunswick--	1220 kilocycles 10 kw-----	DA-N	U	II	New in operation with increased power.
OKRB----	St. Georges, Quebec-----	1450 kilocycles 250 w-----	ND	U	IV	New in operation.
OHNO----	Sudbury, Ontario (delete assignment--vide 600 kc/s).	1440 kilocycles				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8205; Filed, Sept. 23, 1953; 8:50 a. m.]

[U. S. Change List No. 524]

U. S. STANDARD BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 16, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in assignments of United States Standard Broadcast Stations modifying the Appendix containing assignments of United States Standard Broadcast Stations, Mimeograph #48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941" as amended.

UNITED STATES

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Date of FCC action	Proposed date of change or commencement of operation.
KGPH..	Flagstaff, Ariz.....	690 kilocycles 0.5 N/D	DA-N	U	II		Now in operation on new frequency.
WJMW..	Athens, Ala.....	750 kilocycles 0.5	ND	D	II		Now in operation with new station.
WXXW..	Albany, N. Y. (delete assignment).	850 kilocycles					
(NEW)..	Jefferson City, Mo.....	950 kilocycles 5	ND	D	III	Sept. 16, 1953	Sept. 16, 1954.
KAVR..	Victorville, Calif. (change in call letters from KVRV).	960 kilocycles					
WGPH..	Flagstaff, Ariz. (delete assignment—vide 690 kc).	1230 kilocycles					
WISO..	Ponce, P. R.....	1260 Kilocycles					
KDUZ..	Hutchinson, Minn.....	1	ND	U	III-A		Now in operation with new station.
KDEF..	Albuquerque, N. Mex. (correction of error in change list No. 521).	1	ND	D	III		Now in operation with new station.
WEZB..	Honewood, Ala.....	1280 kilocycles 1	ND	D	III		Now in operation.
(NEW)..	Price, Utah.....	1320 kilocycles 0.25	ND	U	IV	Sept. 16, 1953	Sept. 16, 1954.
KCLS..	Flagstaff, Ariz. (delete assignment).	1340 kilocycles					
WAVY..	Portsmouth, Va. (change in call letters from WSAF).	1350 kilocycles					
WBTN..	Bennington, Vt.....	1370 kilocycles 0.5	ND	D	III		Now in operation with new station.
WGAW..	Gardner, Mass. (change in call letters from WHOB).	1480 kilocycles					
(NEW)..	Winter Park, Fla.....	1600 kilocycles 1	ND	D	III	Sept. 16, 1954	Sept. 16, 1954.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
DEE W PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8206; Filed, Sept. 23, 1953; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2005]

LONE STAR GAS CO.

NOTICE OF EXTENSION OF TIME

SEPTEMBER 17, 1953.

Upon consideration of the request of Lone Star Gas Company ("Applicant"),

filed September 14, 1953, for an extension of time within which construction operations are to be completed in the above-designated matter.

Notice is hereby given that an extension of time is granted from September 18, 1953, to and including December 1, 1953, within which Applicant shall complete the construction of the facilities

authorized by the Commission's order issued March 18, 1953, and place said facilities in actual operation. Paragraph (C) (2) of said order is amended accordingly.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8183; Filed, Sept. 23, 1953; 8:46 a. m.]

[Docket Nos. G-2051, G-2165]

HOPE NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

By order issued September 12, 1952, in Docket No. G-2051, the Commission, pursuant to authority contained in section 4 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the rates, charges, and classifications contained in proposed Sixth Revised Sheet No. 3, Fourth Revised Sheet No. 3-A, Fifth Revised Sheet No. 4, Fourth Revised Sheet No. 4-A, and Second Revised Sheet No. 5, respectively, to FPC Gas Tariff, Original Volume No. 1, filed on August 15, 1952, by Hope Natural Gas Company (Hope). The said tariff sheets set forth therein Hope's proposed Rate Schedules H-1A, H-1B, H-2A, H-2B, and H-3, respectively, increasing Hope's then effective rates and charges to its interstate wholesale customers by approximately \$2,334,407, based upon estimated sales for the year ended September 14, 1953. The order also provided that, pending the hearing and decision thereon, said tariff sheets be suspended. Thereafter, on February 15, 1953, at the expiration of the period of suspension, upon motion of Hope, the suspended tariff sheets became effective, under bond and subject to refund, if so ordered, of such portion of the increased rates as the Commission might find not justified.

By order issued May 1, 1953, in Docket No. G-2165, the Commission, pursuant to the authority contained in Section 4 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the rates, charges, and classifications contained in Seventh Revised Sheet No. 3, Fifth Revised Sheet No. 3-A, Sixth Revised Sheet No. 4, Fifth Revised Sheet No. 4-A, and Third Revised Sheet No. 5 to FPC Gas Tariff, Original Volume No. 1, filed on April 1, 1953, by Hope. The said tariff sheets set forth therein Hope's proposed Rate Schedules H-1A, H-1B, H-2A, H-2B, and H-3, respectively, increasing Hope's then effective rates and charges to its interstate wholesale customers by approximately \$3,827,676, based on estimated sales for the year ending April 30, 1954. The order also provided that, pending the hearing and decision thereon, the said tariff sheets be suspended.

The Commission finds: It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the above-entitled proceedings for the purpose of hearing, to hold a public hearing in the above-entitled proceedings at the time and place

hereinafter ordered, and to prescribe as hereinafter ordered the procedure to be followed at the hearing.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR (Chapter I) the proceedings in the above-entitled Docket Nos. G-2051 and G-2165 be and the same are hereby consolidated for the purpose of hearing; and, further, such hearing be held commencing on September 30, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceedings.

(B) At the hearing Hope shall first present and complete its case-in-chief before cross-examination is undertaken.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 18, 1953.

Issued: September 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8182; Filed, Sept. 23, 1953;
8:45 a. m.]

[Docket No. G-2217]

NORTHERN NATURAL GAS CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 17, 1953.

Upon consideration of the motion filed September 14, 1953, by Northern Natural Gas Company for continuance of the hearing and continuance of the date on which to exchange proposed written testimony and exhibits;

Notice is hereby given that the hearing in the above-designated matter is hereby continued to October 19, 1953, and the date on which proposed written testimony and exhibits are to be served is extended to October 12, 1953.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8184; Filed, Sept. 23, 1953;
8:46 a. m.]

**INTERSTATE COMMERCE
COMMISSION**

[4th Sec. Application 28474]

PHOSPHATE ROCK FROM FLORIDA TO
ARKANSAS AND KANSAS

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below. Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: El Dorado and Monticello, Ark., and Chetopa, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company tariff I. C. C. No. B-3232, supp. 85; Seaboard Air Line Railroad Company tariff I. C. C. No. A-8153, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8188; Filed, Sept. 23, 1953;
8:47 a. m.]

[4th Sec. Application 28475]

PHOSPHATE ROCK FROM FLORIDA TO IOWA
AND MISSOURI

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Atlantic Coast Line Railroad Company and Seaboard Air Line Railroad Company.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Bloomfield and Farmington, Iowa, Chesterfield, Cowgill, and Paris, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company tariff I. C. C. No. B-3232, Supp. 85; Seaboard Air Line Railroad Company tariff I. C. C. No. A-8153, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15

days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8189; Filed, Sept. 23, 1953;
8:48 a. m.]

[4th Sec. Application 28476]

LUMBER FROM THE SOUTH TO MINNESOTA,
NORTH DAKOTA, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Lumber and other forest products, carloads.

From: Points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

To: Points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1101, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8190; Filed, Sept. 23, 1953;
8:49 a. m.]

[4th Sec. Application 28477]

PHOSPHATE ROCK FROM FLORIDA TO
HELENA, ARK.

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.
Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Helena, Ark.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company tariff I. C. C. No. B-3232, supp. 85; Seaboard Air Line Railroad Company tariff I. C. C. No. A-8153, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.[F. R. Doc. 53-8191; Filed, Sept. 23, 1953;
8:48 a. m.]

[4th Sec. Application 28478]

CRUSHED STONE FROM GEORGIA, IND., TO
CLAY CITY, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.
Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Clay City, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company's tariff I. C. C. No. 23949, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.[F. R. Doc. 53-8192; Filed, Sept. 23, 1953;
8:48 a. m.]

[4th Sec. Application 28479]

BLACKSTRAP MOLASSES FROM LOUISIANA TO
ST. LOUIS, MO., AND EAST ST. LOUIS,
ILL.

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Blackstrap molasses, in tank-car loads.

From: Points in Louisiana.

To: East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W P Emerson, Jr., Agent, tariff I. C. C. No. 395, supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.[F. R. Doc. 53-8193; Filed, Sept. 23, 1953;
8:48 a. m.]

[4th Sec. Application 28480]

BULK GRAIN FROM NORTH CAROLINA TO
BALTIMORE, MD.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Grain in bulk, including soybeans, carloads.

From: Belhaven, Greenville, Farmville, Plymouth, Washington, Willson, and New Bern, N. C.

To: Baltimore, Md.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, tariff I. C. C. No. 1387.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,
Acting Secretary.[F. R. Doc. 53-8194; Filed, Sept. 23, 1953;
8:48 a. m.]

[4th Sec. Application 28481]

CITRUS FRUIT FROM FLORIDA TO POINTS
IN THE EAST, MIDWEST AND SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Oranges and grapefruit, carloads.

From: Points in Florida.

To: Points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, District of Columbia, and Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, change in minimum weights.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1211, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8195; Filed, Sept. 23, 1953;
8:49 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request No. 23]

FEDERATED FACILITIES, INC.

REQUEST TO OPERATE AS SMALL BUSINESS
PRODUCTION POOL AND REQUEST TO
CERTAIN COMPANIES TO PARTICIPATE IN
OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Federated Facilities, Inc. to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between representatives of the Attorney General, representatives of the Chairman

of the Federal Trade Commission, and representatives of the Small Defense Plants Administrator. The voluntary program in accordance with which the pool shall operate has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

REQUEST TO FEDERATED FACILITIES, INC.

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense. Therefore, in accordance with the provisions of section 708 of the Defense Production Act of 1950, as amended, you are hereby requested to operate as such a pool in the manner set forth in the approved voluntary program.

While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying the Honorable Y. Brynildsen, Acting Administrator of the Small Defense Plants Administration, 1337 E Street NW., Washington 25, D. C., in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and representatives of the Small Defense Plants Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

Sincerely yours,

ARTHUR S. FLEMING,
Director.

REQUEST TO COMPANIES

The voluntary program of Federated Facilities, Inc., to operate as a small business production pool has been found to be in the public interest as contributing to the national defense and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 708 of the Defense Production Act of 1950, as amended, you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying the Honorable Y. Brynildsen, Acting Administrator of the Small Defense Plants Administration, 1337 E Street NW., Washington 25, D. C., in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Small Defense Plants Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

Sincerely yours,

ARTHUR S. FLEMING,
Director.

Federated Facilities, Inc. accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Walter Haertel Co., 2840 Fourth Avenue South, Minneapolis 8, Minn.

Kausal Foundry Co., 1728 N. E. Broadway, Minneapolis, Minn.

Presto Manufacturing Co., Inc., 770 Cromwell Avenue, St. Paul 14, Minn.

Superior Plating, Inc., 1060 Tenth Avenue SE., Minneapolis, Minn.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: September 18, 1953.

DONALD A. HIPKINS,
Acting Administrator

[F. R. Doc. 53-8185; Filed, Sept. 23, 1953;
8:46 a. m.]

